

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

JAN 25 2018

United States of America

v.

ANTHONY CORTINAS YOB: 1986 *usc*ENRIQUE HUERTA JR. YOB: 1986 *usc*

David J. Bradley, Clerk

Case No. *M-18-0167-M**Defendant(s)***SEALED****CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 15, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 21, U.S.C. §§ 846,841(a)(1)

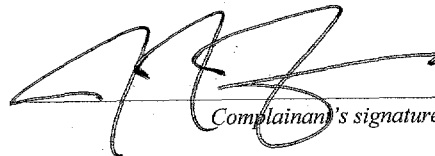
Conspiracy to Possess with Intent To Distribute approximately one (1) kilogram of methamphetamine.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved:

Robert Wills to AUSA
1/25/2018*Complainant's signature*

Jacob W. Frey, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

January 25, 2018
3:48 pm

City and state:

McAllen, Texas

*Judge's signature*

Peter E. Ormsby, United States Magistrate Judge

Printed name and title

ATTACHMENT A

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

1. On April 15, 2017, FBI agents met with a Confidential Human Source (CHS) near Expressway 83 and 23rd Street in McAllen, Texas. FBI agents searched the CHS and the CHS's vehicle at approximately 3:48pm. The search was negative for contraband. FBI agents gave the CHS \$6000 to conduct a controlled purchase of methamphetamine. FBI agents followed the CHS to a gas station near Expressway 83 and 23rd Street where the CHS picked up Israel Jaramillo.
2. Jaramillo directed the CHS to travel to an HEB grocery store located near Business 83 and Conway Road in Mission. The CHS and Jaramillo met with a maroon SUV occupied by Jose Luis Gonzalez, Alyssa Garza, and a minor child. All subjects then drove to 2018 Cummings St. in Mission where they arrived at 4:30pm.
3. At 4:40pm FBI agents observed both vehicles leave the residence. The vehicles traveled to a gas station, and then back to the HEB on Conway Road where Garza argued with someone on the phone over the price of the methamphetamine. At 5:30pm Garza left in the red SUV and traveled back to 2018 Cummings. At 5:58pm Garza returned to the HEB in her maroon SUV. Garza was being followed by a Mercedes Benz SUV bearing temporary registration 04N3648. Gonzalez asked Garza who followed her in the Mercedes Benz, and Garza told Gonzalez that the driver was just making sure she did not get pulled over by the police.
4. Gonzalez retrieved a shoe box from the passenger compartment of the SUV and handed it to the CHS. Garza indicated that the methamphetamine was wrapped in her daughter's blanket and told the CHS to bring the blanket back because her daughter was cold.

5. FBI agents then followed the CHS's vehicle to the Exxon gas station on 23rd and Expressway 83 where the CHS dropped off Jaramillo. The CHS then drove to the Springhill Suites on Ware Road and Expressway 83 where the CHS met with FBI agents.

6. The CHS and the CHS's vehicle were searched, and agents located the box which was handed to the CHS at the HEB. Inside the box was a white crystalline substance inside of a plastic bag, which was wrapped in a pink blanket. The crystalline substance later tested positive for methamphetamine. The methamphetamine was later found to weigh 9781 grams. The CHS stated Gonzalez was paid \$5850 and Jaramillo was paid \$150 for the methamphetamine. The transaction was captured by the CHS on a hidden recording device.

7. Garza, Jaramillo, and Gonzalez were all subsequently arrested for their roles in the transaction and search warrants were obtained for their phones. A search of Garza's phone revealed a conversation in the messaging application WhatsApp between Garza and a contact saved as "Enrique". In this conversation Garza and "Enrique" begin discussing the sale of methamphetamine on April 14, 2017. "Enrique" sent many voice messages to Garza discussing the sale of a kilogram of methamphetamine. The voice of "Enrique" was identified by a Cooperating Witness (CW1) as that of Enrique Huerta Jr. Huerta and Garza agreed to the sale of methamphetamine for \$4500.

8. The WhatsApp conversation continued on April 15, 2017. Garza asked Huerta if he was on Bentsen, and Huerta replied at approximately 3:30pm, "No, come to my house". Shortly thereafter Garza arrived at 2018 Cummings Street in Mission. Database checks reveal Huerta's residence to be 2018 Cummings Street.

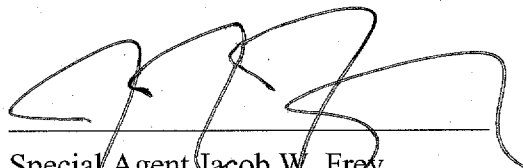
9. The WhatsApp conversation further showed that during the time Garza and the other subjects were waiting at the HEB on Conway, Garza and Huerta began to argue over what price they agreed upon for the methamphetamine. Huerta sent voice messages to Garza telling her that the price had been changed to \$6000.

10. While Garza and Huerta were sending messages back and forth about the price, a voice message was sent from Huerta's phone from a voice that was not Huerta. The voice was identified by CW1 as that of ^{JP Anthony} Cortinas. Cortinas told Garza, "Hey, sis. It was a misunderstanding. It's my plug, but, uh, my boy wants five. Right? But, uh, the *carnal* asking for six...It was a misunderstanding on our behalf, *pero chingao*, six is what they want and that's it."


11. Huerta later sent a message indicating the supplier agreed to sell the methamphetamine for \$4800.

12. CW1 identified photos of both Huerta and Cortinas. CW1 identified Cortinas and Huerta as being the only two subjects present at 2018 Cummings Street when all other subjects arrived there on April 15, 2017. CW1 stated Garza was sourcing her methamphetamine through Huerta, who was using Cortinas' contact to obtain methamphetamine.

13. The registered owner of the Mercedes Benz was interviewed, and stated that the vehicle had just been purchased in early April and that Anthony Cortinas was the only person who drove the vehicle during that time period.



Special Agent Jacob W. Frey
Federal Bureau of Investigation



THE HONORABLE PETER ORMSBY
UNITED STATES MAGISTRATE JUDGE